

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

David Kircher,

Plaintiff,

v.

City of Ypsilanti; Cheryl Farmer, Mayor of  
Ypsilanti; Charles Boulard, Building Inspector  
of Ypsilanti; Jon Ichesco, Fire Marshall of  
Ypsilanti; Robert Barnes; Washtenaw County  
Circuit Judge Donald Shelton, and Washtenaw  
County Circuit Judge Timothy Connors.

Defendants.

13  
Court File No: 04-72449  
Honorable Gerald Rosen  
Magistrate Judge Donald A. Scheer

George E. Ward (P21970)  
Attorney for Plaintiff  
1100 Buhl Building  
Detroit, MI 48226  
(313) 962-0643

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04 JUL 22 P4:38  
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Cynthia L. Reach (P55903)  
Reach, Ranney & Carpenter, P.C.  
Attorney for Defendants Judge Shelton  
and Judge Connors  
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**DEFENDANTS JUDGE SHELTON AND JUDGE CONNORS'  
ANSWER TO FIRST AMENDED COMPLAINT**

Now come Defendants Washtenaw County Judge Donald Shelton and Washtenaw County Judge Timothy Connors, by their attorneys Reach, Ranney & Carpenter, P.C., and for their Answer to Plaintiffs' First Amended Complaint says as follows:

1. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 1 of Plaintiff's Complaint.

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2. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 2 of Plaintiff's Complaint.

3. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 3 of Plaintiff's Complaint.

4. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 4 of Plaintiff's Complaint.

5. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 5 of Plaintiff's Complaint.

6. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 6 of Plaintiff's Complaint.

7. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 7 of Plaintiff's Complaint.

8. Defendant Shelton admits the allegations contained in Paragraph 8 of Plaintiff's Complaint.

9. Defendant Connors admits the allegations contained in Paragraph 9 of Plaintiff's Complaint.

10. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 10 of Plaintiff's Complaint.

11. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 11 of Plaintiff's Complaint.

12. Plaintiff has apparently summarized a legal concept not requiring an answer.

13. Plaintiff has apparently summarized a legal concept not requiring an answer.

14. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 14 of Plaintiff's Complaint.

15. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 15 of Plaintiff's Complaint.

16. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 16 of Plaintiff's Complaint.

17. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 17 of Plaintiff's Complaint.

18. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 18 of Plaintiff's Complaint.

19. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 19 of Plaintiff's Complaint.

20. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 20 of Plaintiff's Complaint.

21. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 21 of Plaintiff's Complaint.

22. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 22 of Plaintiff's Complaint.

23. Plaintiff has apparently summarized a legal concept not requiring an answer.

24. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 24 of Plaintiff's Complaint.

Count I

25. Defendants hereby incorporate the preceding Paragraphs of this Answer as if said Paragraphs were more fully set forth herein.

26. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 26 of Plaintiff's Complaint.

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27. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 27 of Plaintiff's Complaint.

28. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 28 of Plaintiff's Complaint.

29. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 29 of Plaintiff's Complaint.

30. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 30 of Plaintiff's Complaint.

31. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 31 of Plaintiff's Complaint.

32. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 32 of Plaintiff's Complaint.

33. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 33 of Plaintiff's Complaint.

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34. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 34 of Plaintiff's Complaint.

35. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 35 of Plaintiff's Complaint.

36. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 36 of Plaintiff's Complaint.

37. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 37 of Plaintiff's Complaint.

38. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 38 of Plaintiff's Complaint.

39. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 39 of Plaintiff's Complaint.

40. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 40 of Plaintiff's Complaint.

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41. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 41 of Plaintiff's Complaint.

42. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 42 of Plaintiff's Complaint.

43. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 43 of Plaintiff's Complaint.

44. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 44 of Plaintiff's Complaint.

45. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 45 of Plaintiff's Complaint.

WHEREFORE, Defendants Judge Shelton and Judge Connors respectfully request this Court be dismissed with prejudice and without delay.

Count II

46. Defendants hereby incorporate the preceding Paragraphs of this Answer as if said Paragraphs were more fully set forth herein.

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47. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 47 of Plaintiff's Complaint.

48. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 48 of Plaintiff's Complaint.

49. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 49 of Plaintiff's Complaint.

50. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 50 of Plaintiff's Complaint.

51. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 51 of Plaintiff's Complaint.

52. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 52 of Plaintiff's Complaint.

53. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 53 of Plaintiff's Complaint.



54. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 54 of Plaintiff's Complaint.

55. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 55 of Plaintiff's Complaint.

WHEREFORE, Defendants Judge Shelton and Judge Connors respectfully request this Court be dismissed with prejudice and without delay.

Count III

56. Defendants hereby incorporate the preceding Paragraphs of this Answer as if said Paragraphs were more fully set forth herein.

57. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 57 of Plaintiff's Complaint.

58. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 58 of Plaintiff's Complaint.

59. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 59 of Plaintiff's Complaint.

60. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 60 of Plaintiff's Complaint.

61. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 61 of Plaintiff's Complaint.

62. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 62 of Plaintiff's Complaint.

63. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 63 of Plaintiff's Complaint.

64. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 64 of Plaintiff's Complaint.

65. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 65 of Plaintiff's Complaint.

66. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 66 of Plaintiff's Complaint.

67. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 67 of Plaintiff's Complaint.

WHEREFORE, Defendants Judge Shelton and Judge Connors respectfully request this Court be dismissed with prejudice and without delay.

Count IV

68. Defendants hereby incorporate the preceding Paragraphs of this Answer as if said Paragraphs were more fully set forth herein.

69. Defendants Shelton and Connors are without knowledge or information sufficient to form a belief as to the truth of those allegations contained in Paragraph 69 of Plaintiff's Complaint.

WHEREFORE, Defendants Judge Shelton and Judge Connors respectfully request this Court be dismissed with prejudice and without delay.

Respectfully submitted,

Dated: 7/22/07

By: C. L. Reach  
Cynthia L. Reach (P55903)  
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Attorney for Defendants Judge Shelton  
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Defendants.

George E. Ward (P21970)  
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**DEFENDANTS JUDGE SHELTON AND JUDGE CONNORS'  
AFFIRMATIVE DEFENSES TO FIRST AMENDED COMPLAINT**

Now come Defendants Washtenaw Circuit Judge Donald Shelton and Washtenaw Circuit Judge Timothy Connors, by their attorneys Reach, Ranney & Carpenter, P.C., and for their Affirmative Defenses to Plaintiffs' First Amended Complaint says as follows:

1. Plaintiff has failed to state a claim upon which relief can be granted as to Defendants Judge Shelton and Judge Connors.
2. There are no material issues of fact and Defendants Judge Shelton and Judge Connors are entitled to judgment as a matter of law.

3. Defendants Judge Shelton and Judge Connors are entitled to immunity.

4. Res judicata and/or collateral estoppel bar any claims plead against Defendant Judges Shelton and Connors.

5. Plaintiff has failed to exhaust available remedies in the state judicial process, thereby barring these claims.

6. There has been no proper service of process upon Defendant Judges Shelton and Connors and therefore, no jurisdiction over these Defendants.

7. Defendant Judges Shelton and Connors reserve the right to additional Affirmative Defenses and Counter-Claims should this case proceed.

Wherefore Defendant Judges Shelton and Connors respectfully request Plaintiff's First Amended Complaint be dismissed with prejudice and without delay.

Respectfully submitted,

Dated: 7/22/04

By: C. Reach  
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